

1 ROBERTSON & BENEVENTO  
2 SAM BENEVENTO  
3 Nevada Bar No. 003676  
4 1945 East Warm Springs  
5 Las Vegas, Nevada 89119  
6 702/433-2000  
7 Attorney for Debtor(s)  
[generaldelivery@nevlawyers.com](mailto:generaldelivery@nevlawyers.com)

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10 UNITED STATES BANKRUPTCY COURT  
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13 DISTRICT OF NEVADA  
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16 In re: ) In Bankruptcy  
17 ) BKS-09-21756-BAM  
18 ) Chapter 13  
19 MICHAEL and DEBORAH )  
20 HUDANISH, ) Hearing Date: 12/15/09  
21 ) Hearing Time: 1:30 P.M.  
22 Debtor(s). )  
23

24 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY AND**

25 **CERTIFICATE OF SERVICE**

26 Debtor(s), MICHAEL and DEBORAH HUDANISH, by and through their counsel  
27 undersigned, hereby opposes the Motion for Relief from Automatic Stay filed by WELLS  
28 FARGO BANK, ("Creditor"). This Opposition is based upon the following Memorandum  
of Points and Authorities.

29 MEMORANDUM OF POINTS AND AUTHORITIES

- 30 1. The property is the Debtor's primary residence.  
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32 2. Creditors interest in the collateral is adequately protected by a sufficient  
33 equity cushion in the property.  
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3. The collateral is necessary to an effective reorganization.
4. Debtor disputes the post petition arrears alleged by creditor and a payment history is requested. To the extent debtor is delinquent in post petition payments, debtor offers to enter into a Stipulation for Adequate Protection.

For the foregoing reasons, Debtor requests that the Motion for Relief from Automatic Stay be denied, and that an Adequate Protection Order be entered according to proof.

DATED this 9<sup>th</sup> day of December, 2009.

## ROBERTSON & BENEVENTO

/s/ SAM BENEVENTO

By: \_\_\_\_\_  
SAM BENEVENTO  
Nevada Bar No. 3676  
1945 East Warm Springs  
Las Vegas, NV 89119  
702/433-2000  
Attorney for Debtors

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2                   **CERTIFICATE OF SERVICE**  
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5                   I, Rachel Henson, an employee of Robertson & Benevento hereby certify that a true  
6 and correct copy of the above and foregoing Opposition was mailed this 9<sup>th</sup> day of  
7 December, 2009 to:

8                   Michael & Deborah Hudanish  
9                   7516 Clifton Gardens  
10                  Las Vegas, NV 89166

11                  Kathleen Leavitt  
12                  201 Las Vegas Blvd South #200  
13                  Las Vegas NV 89101  
14                  (sent by ECF)

15                  Wilde & Associates  
16                  208 South Jones Blvd.  
17                  Las Vegas, NV 89107

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30                  Rachel Henson, an Employee of  
31                  ROBERTSON & BENEVENTO